

# Exhibit H

LEE W. POYE, on 09/25/2020  
WILLIE MCNEAL, JR., vs AUTOZONE, INC., et al.

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Page 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

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5 Coordinated Proceeding )  
6 Special Title (Rule 3.550) )  
7 )  
8 LAOSD ASBESTOS CASES )  
9 \_\_\_\_\_ )  
10 )  
11 WILLIE MCNEAL, JR., )  
12 ) Case No. BC698965  
13 Plaintiff, )  
14 )  
15 vs. )  
16 )  
17 AUTOZONE, INC., et al., )  
18 ) (Pages 1 - 137)  
19 )  
20 Defendants. )  
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Certified Transcript

18 TELEPHONIC DEPOSITION OF EXPERT WITNESS

19 LEE W. POYE

20 FRIDAY, SEPTEMBER 25, 2020

24 Reported by: PAIGE I. HUTCHINSON, CA CSR No. 13459,  
25 TX CSR No. 11222, WA CCR No. 3336

LEE W. POYE, on 09/25/2020

WILLIE MCNEAL, JR., vs AUTOZONE, INC., et al.

Pages 126–129

<p>1 was saying.</p> <p>2 MR. PURDY: No, no. I know. I know. But I 3 just don't want anybody to think, when I go in there on 4 direct, that someone makes a Kennemur objection that 5 that opinion wasn't disclosed. I totally intend to -- 6 and I'll be very candid to tell the story of how, you 7 know, he was given a QC, didn't know it, and passed the 8 test and all that. But you guys get it.</p> <p>9 But go ahead. That's all I have for Mr. Poye 10 today.</p> <p>11 MR. COSMICH: You're just finding out. It 12 would have been hard for you to disclose it at the 13 time.</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MR. COSMICH:</p> <p>17 Q. Mr. Poye, I've got a few questions for you. 18 Earlier you were asked about whether or not 19 you had any knowledge of any other experts testing Old 20 Spice for asbestos in talc. 21 Do you recall that? 22 A. I do. 23 Q. Do you recall, at the request of Simon 24 Greenstone, sending one of the Old Spice samples to a 25 Mr. Mlekush?</p>	<p>Page 126</p> <p>1 this chrysotile, at the level he claims it, actually 2 exists; right? 3 A. Correct. 4 Q. Now, you were also provided with and your lab 5 reviewed the actual PLM photos of what Dr. Longo claims 6 to be chrysotile in these samples, weren't you? 7 A. Yes, I was. 8 Q. Do you agree that the photos that you were 9 provided represent chrysotile from those Old Spice 10 samples? 11 A. No, I do not. As a matter of fact, I asked 12 our PLM managers to review all those photos, and I can 13 say conclusively that he did not agree with a single 14 one of the calls that was made. 15 Q. And why was that? 16 A. Just based on the color, the RIs, refractive 17 indices, of the materials did not match what they 18 should have been in the 1550 RI fluid that they were 19 purported to be taken in. 20 Q. Do you agree with the range of RIs cited by 21 Dr. Longo as support for his finding of chrysotile in 22 these products? 23 A. No. The range of RIs that he reported is -- I 24 remember going through that list and noticing that 25 every single one exceeded the -- what would be</p>
<p>1 A. Yes, I do. Now that you mention it.</p> <p>2 Q. Okay. So that one just slipped your mind; 3 right? 4 A. Yes. That was -- I can't -- how long ago was 5 that? 6 Q. Back 2000 -- well, it was around Depoian, so 7 2015, 2016? 8 A. All right. Well, I'm not as embarrassed 9 anymore. 10 Q. Okay. You were asked some questions about 11 your -- the budget per sample that your lab charged us 12 to review these samples. 13 Do you recall that? 14 A. I do. 15 Q. Did that budget -- who set that amount? 16 A. I did. 17 Q. Do you feel like that budget in any way 18 impaired or restricted your lab's ability to adequately 19 assess the samples that you analyzed? 20 A. No, sir. At that pay level, I'm confident 21 that we got to the right result. 22 Q. You were asked some questions about 23 Dr. Longo's chrysotile findings and you talked about -- 24 you know, a little bit about the lack of serpentine 25 peaks on XRD and what you'd expect to find on TEM if</p>	<p>Page 127</p> <p>1 considered acceptable ranges for chrysotile by 2 EPA/600/R-93/116. 3 Q. In your opinion, what do those photos that 4 Dr. Longo claims is chrysotile from that -- from his 5 PLM analysis, what are those structures? 6 A. The edge of talc plates. 7 Q. And as far as any literature, supporting 8 documentation, photos, did you provide all of the 9 support for those opinions in your reliance material? 10 A. Yes, I did. 11 Q. Last question. Mr. Poye, if someone were to 12 take the report that you rendered on the last five 13 samples -- I shouldn't have said one last question. 14 If someone were to take the report that you've 15 rendered on the last five samples and presented it as 16 support that you found asbestosiform tremolite in those 17 samples, would that be accurate? 18 MR. PURDY: Just vague and ambiguous as to 19 "asbestosiform." 20 THE DEPONENT: No, that wouldn't be -- that 21 would not necessarily be accurate, no. 22 BY MR. COSMICH: 23 Q. Okay. In your opinion, what you found are 24 actually non-asbestosiform structures; correct? 25 A. Based on the aspect ratios of all four</p>

LEE W. POYE, on 09/25/2020  
WILLIE MCNEAL, JR., vs AUTOZONE, INC., et al.

Pages 134–137

1 record.

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3 (Whereupon, at the hour of  
4 12:44 p.m., the proceedings  
5 were concluded.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES )  
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4 I, Paige I. Hutchinson, Certified Shorthand  
5 Reporter, No. 13459, do hereby certify:  
6 That prior to being examined, the witness  
7 named in the foregoing deposition was by me duly  
8 sworn to testify to the truth, the whole truth, and  
9 nothing but the truth;  
10 That said deposition was taken before me  
11 remotely via videoconference; and thereafter reduced to  
12 print by means of computer-aided transcription; and the  
13 same is a true, correct, and complete transcript of  
14 said proceedings taken at that time, to the best of my  
15 ability.  
16 I further certify that I am not interested in  
17 the outcome of the action.  
18 Witness my hand this, Wednesday, September 29,  
19 2020.  
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Paige I. Hutchinson, CA CSR No. 13459,  
TX CSR No. 11222, WA No. 3336

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1 DECLARATION UNDER PENALTY OF PERJURY

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3  
4 I, LEE W. POYE, do hereby certify under  
5 penalty of perjury that I have read the foregoing  
6 transcript of my deposition taken on  
7 September 25, 2020; that I have made such corrections  
8 as appear noted herein in ink, initialed by me; that my  
9 testimony as contained herein, as corrected, is true  
10 and correct.

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12 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020,  
13 at \_\_\_\_\_, California.

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LEE W. POYE

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